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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,098	07/08/2003	Teunis Dekker	ISCAT-005A	8653

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EXAMINER
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HANLEY, SUSAN MARIE

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,098

Applicant(s)

DEKKER ET AL.

Examiner

Susan Hanley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/04; 1/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 28 are drawn to wax compositions having a formula. Part (d) of each claim, recites "wherein d is at least zero." Neither formula in claims 7 or 28 had a variable called "d" associated with the formula. The variable R2 is undefined in the claim and claim 1, from which it depends. Part (c) of the claim recites that m and o are positive integers. The structural formula shown in the claim does not depict the letter "o". However,, the structure does have a moiety " $(CH_2)_0$ " which is confusing because the "0" in the formula is the number zero which indicates that the methylene group does not exist.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 8-27, 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier et al. (6,267,953; item 9 in the IDS filed 1/5/04) in view of Braks et al. (2000).

Bernier et al. disclose compositions for attracting arthropods, especially mosquitoes (col. 11, lines 28-35). The compounds are based on blends of lipids derived from carboxylic acids as in Formula I (col. 7-8). Bernier et al. disclose that a blend of compounds is more effective than a single agent for attracting mosquitoes (col. 11, lines 20-38). Bernier et al. disclose a number of types of traps that can be adapted for the attractants (col. 19, lines 33-50). This disclosure meets, in part, the limitations of instant claims 7, 19, 27 and 40-42 because Bernier et al. use compounds that meet the structural formula of instant claims 7 and 27 to make traps to attract arthropods such as mosquitoes.

Bernier et al. do not teach that the trap further comprises human skin sweat and microflora, that the microflora produce various enzymes or compounds or that the microflora can be sterilized.

Braks et al. disclose that human sweat contains microorganisms and that mosquitoes are attracted to human sweat that has enhanced microbial growth. Braks et al. discovered that sterilized sweat that had been incubated for some time was the most effective for attracting mosquitoes compared to non-incubated or non-sterilized sweat (Table 1, p. 131). Braks et al. teach that the production of compounds that are attractive to mosquitoes is probably due to the skin bacteria processing sebum substrates (p. 133, bridging column). Bacteria on the skin naturally produce extracellular enzymes and secrete compounds. This disclosure meets, in part, the remaining claims because the human sweat from the sebaceous gland contains the claimed esters, waxes and carboxylic acids which serve as substrates for the natural flora, microorganism, that exist on the skin. The microorganisms in turn excrete the enzymes that modify the excreted lipids.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lipid-containing mosquito-attracting traps taught by Bernier et al. by adding sterilized

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incubated sweat containing skin microflora. The ordinary artisan would have been motivated to do so because combining mosquito-attracting compounds is known to be effective for luring mosquitoes compared to a single compound that can attract mosquitoes. Berneir et al. demonstrated this finding. The ordinary artisan would have had a reasonable expectation that he or she could add sterilized incubated sweat containing skin microflora to the lipid-containing mosquito-attracting traps to obtain a modified trap having components that would provide an additive effect for attracting mosquitoes because both the blends by Bernier et al. and the sterilized sweat containing skin microflora are known to attract mosquitoes individually.

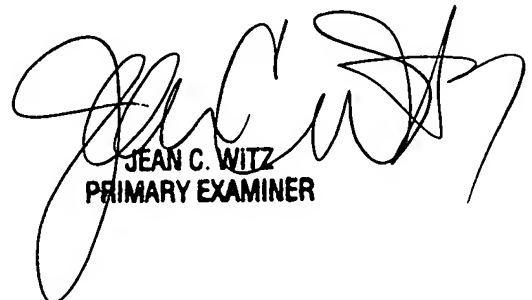
No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Hanley whose telephone number is 571-272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Hanley  
Patent Examiner  
1651

  
JEAN C. WITZ  
PRIMARY EXAMINER